

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR07-361 RSL
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
DUANE ANTHONY NELSON,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on December 16, 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Johanna Vanderlee, and defendant was represented by Paula Deutsch. Also present was Senior U.S. Probation Officer Mark J. Chance. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on February 29, 2008 by the Honorable Robert S. Lasnik for Misrepresenting a Social Security Number, Aggravated Identity Theft, and Possession of Document Making Implements. He received 45 months of detention and 3 years of supervised release. In addition to the standard conditions of supervised release, numerous special conditions

1 were also ordered by the Court including; restitution in the amount of \$20,047.48; drug testing;
2 no firearm possession; do not enter any establishment where alcohol is the primary commodity
3 for sale; mental health treatment; no new credit without approval of the probation officer;
4 provide the probation officer with access to requested financial information, and participate in a
5 residential reentry center program for up to 120 days or until discharged by the Program
6 Manager or U.S. Probation Officer.

7 PRESENTLY ALLEGED VIOLATIONS

8 In a petition dated July 26, 2010, Senior U.S. Probation Officer Mark J. Chance alleged that
9 defendant violated the following conditions of supervised release:

- 10 1. Using a controlled substance, specifically methamphetamine, on or before July 7,
11 2010, in violation of standard condition No. 7.
- 12 2. Using a controlled substance, specifically methamphetamine, on or before July 14,
13 2010, in violation of standard condition No. 7.
- 14 3. Failing to notify the probation officer at least ten days prior to changing residence,
15 in violation of standard condition No. 6.

16 FINDINGS FOLLOWING EVIDENTIARY HEARING

17 Defendant admitted the above violations, waived any hearing as to whether they occurred,
18 and was informed the matter would be set for a disposition hearing January 4, 2011 at 9:00 a.m.
19 before District Judge Robert S. Lasnik.

20 RECOMMENDED FINDINGS AND CONCLUSIONS

21 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 16th day of December, 2010.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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